

CUSTOMER NO.: 24498

Serial No.: 10/511,560

Office Action Dated: February 21, 2008

PATENT

PU020131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: Keith Robert Broerman

Examiner: Nguyen, T.

Serial No: 10/511,560

Group Art Unit: 2144

Filed: October 15, 2004

Docket: PU020131

For: METHOD, APPARATUS AND SYSTEM FOR SUPPORTING MULTIPLE
COLLABORATIVE SESSIONS IN A BI-DIRECTIONAL COMMUNICATION DEVICE

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P.O. Box 1450
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APPEAL BRIEF

Applicants appeal the status of Claims 1-20 as presented in response to the non-final Office Action dated September 11, 2007, and rejected in the final Office Action dated February 21, 2008, pursuant to the Notice of Appeal filed concurrently herewith; and submit this appeal brief.

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E1. Claims 4, 5, 10, and 11

F. Whether Claim 12 is Unpatentable Under 35 U.S.C. §103(a) With Respect To
U.S. Patent No. 6,999,990 to Sullivan et al. in view of U.S. Patent Publication No.
2002/0049825 to Jewett et al. further in view of U.S. Patent Publication No.
2002/0112076 to Rueda et al.

F1. Claim 12

G. Whether Claims 6, 13, and 16-19 are Unpatentable Under 35 U.S.C. §103(a) With
Respect To U.S. Patent No. 6,999,990 to Sullivan et al. in view of U.S. Patent
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G1. Claims 6, 13, and 16-19

H. Whether Claims 7 and 20 are Unpatentable Under 35 U.S.C. §103(a) With
Respect To U.S. Patent No. 6,999,990 to Sullivan et al. in view of U.S. Patent
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1. Real Party in Interest

The real party in interest is THOMSON LICENSING S.A., the assignee of the entire right title and interest in and to the subject application by virtue of an assignment recorded with the Patent Office on October 15, 2004 at reel/frame 016530/0537.

2. Related Appeals and Interferences

None

3. Status of Claims

Claims 1-20 are pending. Claims 1-20 stand rejected and are under appeal.

A copy of the Claims 1-20 is presented in Section 8 below.

4. Status of Amendments

A Preliminary Amendment was mailed to the PTO on October 15, 2004 was entered. An Amendment under 37 CFR §1.111, mailed to the PTO on November 26, 2007 in response to a non-final Office Action dated September 11, 2007, was entered. No Responses/Amendments were filed subsequent to the above Amendment mailed on November 26, 2007. A final Office Action dated February 21, 2008, to which this Appeal Brief is directed, is currently pending.

5. Summary of Claimed Subject Matter

Independent Claim 1 is directed to a “method for supporting multiple diagnostic sessions in a bi-directional communication device” (Claim 1, preamble).

The subject matter of the first element (beginning with “receiving diagnostic session requests”) recited in Claim 1 is described, e.g., at: page 8, lines 11-12. Moreover, the subject matter of the first element of Claim 1 involves, e.g.: element 302 of FIG. 3.

The subject matter of the second element (beginning with “verifying identification information”) recited in Claim 1 is described, e.g., at: page 8, lines 14-18. Moreover, the subject matter of the second element of Claim 1 involves, e.g.: elements 304 and 306 of FIG. 3.

The subject matter of the third element (beginning with “establishing a communications channel”) recited in Claim 1 is described, e.g., at: page 8, lines 21-23. Moreover, the subject matter of the third element of Claim 1 involves, e.g.: elements 308 and 310 of FIG. 3.

The subject matter of the fourth element (beginning with “communicating diagnostic information”) recited in Claim 1 is described, e.g., at: page 8, line 31 to page 9, line 6. Moreover, the subject matter of the fourth element of Claim 1 involves, e.g.: elements 402 and 404 of FIG. 4.

Independent Claim 8 is directed to an “apparatus for supporting multiple diagnostic sessions in a bi-directional communication device” (Claim 8, preamble).

The subject matter of the first element (beginning with “a server”) recited in Claim 8 is described, e.g., at: page 5, lines 1-6, lines 13-15, and line 31 to page 6, line 4. Moreover, the subject matter of the first element of Claim 8 involves, e.g.: element 190 of FIGs. 1 and 2.

The subject matter of the second element (beginning with “a memory”) recited in Claim 8 is described, e.g., at: page 5, lines 12-13. Moreover, the subject matter of the second element of Claim 8 involves, e.g.: element 220 of FIG. 2.

The subject matter of the third element (beginning with “a processor”) recited in Claim 8

is described, e.g., at: page 5, lines 15-18. Moreover, the subject matter of the third element of Claim 8 involves, e.g.: element 210 of FIG. 2.

The subject matter of the fourth element (beginning with “receiving diagnostic session requests”) recited in Claim 8 is described, e.g., at: page 8, lines 11-12. Moreover, the subject matter of the fourth element of Claim 8 involves, e.g.: element 302 of FIG. 3.

The subject matter of the fifth element (beginning with “verifying identification information”) recited in Claim 8 is described, e.g., at: page 8, lines 14-18. Moreover, the subject matter of the fifth element of Claim 8 involves, e.g.: elements 304 and 306 of FIG. 3.

The subject matter of the sixth element (beginning with “establishing a communications channel”) recited in Claim 8 is described, e.g., at: page 8, lines 21-23. Moreover, the subject matter of the sixth element of Claim 8 involves, e.g.: elements 308 and 310 of FIG. 3.

The subject matter of the seventh element (beginning with “communicating diagnostic information”) recited in Claim 8 is described, e.g., at: page 8, line 31 to page 9, line 6. Moreover, the subject matter of the seventh element of Claim 8 involves, e.g.: elements 402 and 404 of FIG. 4.

Independent Claim 17 is directed to an “apparatus for supporting multiple telnet sessions” (Claim 17, preamble).

The subject matter of the first element (beginning with “means for receiving Telnet session requests”) recited in Claim 17 is described, e.g., at: page 5, lines 3-6 and 11-14. Moreover, the subject matter of the first element of Claim 17 involves, e.g.: element 190 of FIG. 1.

The subject matter of the second element (beginning with “means for verifying

identification information") recited in Claim 17 is described, e.g., at: page 7, lines 17-18.

Moreover, the subject matter of the second element of Claim 17 involves, e.g.: element 120 of FIG. 1.

The subject matter of the third element (beginning with "means for establishing a communications channel") recited in Claim 17 is described, e.g., at: page 7, lines 18-21. Moreover, the subject matter of the third element of Claim 17 involves, e.g.: element 120 of FIG. 1.

The subject matter of the fourth element (beginning with "means for communicating diagnostic information") recited in Claim 17 is described, e.g., at: page 7, lines 26-29. Moreover, the subject matter of the fourth element of Claim 17 involves, e.g.: element 120 of FIG. 1.

Independent Claim 18 is directed to a "computer-readable medium for storing a set of instructions" (Claim 18, preamble).

The subject matter of the first element (beginning with "receiving Telnet session requests") recited in Claim 18 is described, e.g., at: page 8, lines 11-12. Moreover, the subject matter of the first element of Claim 18 involves, e.g.: element 302 of FIG. 3.

The subject matter of the second element (beginning with "verifying identification information") recited in Claim 18 is described, e.g., at: page 8, lines 14-18. Moreover, the subject matter of the second element of Claim 18 involves, e.g.: elements 304 and 306 of FIG. 3.

The subject matter of the third element (beginning with "establishing a communications channel") recited in Claim 18 is described, e.g., at: page 8, lines 21-23. Moreover, the subject matter of the third element of Claim 18 involves, e.g.: elements 308 and 310 of FIG. 3.

The subject matter of the fourth element (beginning with "communicating diagnostic

information") recited in Claim 18 is described, e.g., at: page 8, line 31 to page 9, line 6.

Moreover, the subject matter of the fourth element of Claim 18 involves, e.g.: elements 402 and 404 of FIG. 4.

Independent Claim 19 is directed to a "network" (Claim 19, preamble).

The subject matter of the first element (beginning with "at least one subscriber terminal") recited in Claim 19 is described, e.g., at: page 4, lines 2-8. Moreover, the subject matter of the first element of Claim 19 involves, e.g.: element 110 of FIG. 1.

The subject matter of the second element (beginning with "at least one data servicing system") recited in Claim 19 is described, e.g., at: page 4, lines 2-8. Moreover, the subject matter of the second element of Claim 19 involves, e.g.: element 130 of FIG. 1.

The subject matter of the third element (beginning with "a network device") recited in Claim 19 is described, e.g., at: page 4, lines 2-7; and page 5, lines 23-25. Moreover, the subject matter of the third element of Claim 19 involves, e.g.: element 120 of FIG. 1.

The subject matter of the fourth element (beginning with "a Telnet server") recited in Claim 19 is described, e.g., at: page 5, lines 1-6. Moreover, the subject matter of the fourth element of Claim 19 involves, e.g.: element 190 of FIGs. 1 and 2.

The subject matter of the fifth element (beginning with "a memory") recited in Claim 19 is described, e.g., at: page 5, lines 12-13. Moreover, the subject matter of the fifth element of Claim 19 involves, e.g.: element 220 of FIG. 2.

The subject matter of the sixth element (beginning with "a processor") recited in Claim 19 is described, e.g., at: page 5, lines 15-18. Moreover, the subject matter of the sixth element of Claim 19 involves, e.g.: element 210 of FIG. 2.

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The subject matter of the seventh element (beginning with “receiving diagnostic session requests”) recited in Claim 19 is described, e.g., at: page 8, lines 11-12. Moreover, the subject matter of the seventh element of Claim 19 involves, e.g.: element 302 of FIG. 3.

The subject matter of the eighth element (beginning with “verifying identification information”) recited in Claim 19 is described, e.g., at: page 8, lines 14-18. Moreover, the subject matter of the eighth element of Claim 19 involves, e.g.: elements 304 and 306 of FIG. 3.

The subject matter of the ninth element (beginning with “establishing a communications channel”) recited in Claim 19 is described, e.g., at: page 8, lines 21-23. Moreover, the subject matter of the ninth element of Claim 19 involves, e.g.: elements 308 and 310 of FIG. 3.

The subject matter of the tenth element (beginning with “communicating diagnostic information”) recited in Claim 19 is described, e.g., at: page 8, line 31 to page 9, line 6. Moreover, the subject matter of the tenth element of Claim 19 involves, e.g.: elements 402 and 404 of FIG. 4.

6. Grounds of Rejection to be Reviewed on Appeal

Claim 17 stands rejected under 35 U.S.C. §101, with the Examiner asserting that this claim is directed to non-statutory subject matter.

Claims 1, 3, 8, 14, and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,999,990 to Sullivan et al. (hereinafter “Sullivan”). Claims 2 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of U.S. Patent No. 6,542,934 to Bader et al. (hereinafter “Bader”). Claims 4, 5, 10, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of U.S. Patent Publication No. 2002/0049825

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to Jewett et al. (hereinafter “Jewett”). Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Jewett further in view of U.S. Patent Publication No. 2002/0112076 to Rueda et al. (hereinafter “Rueda”). Claims 6, 13, and 16-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Rueda. Claims 7 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Rueda further in view of Jewett.

The preceding rejections under 35 U.S.C. §101, 35 U.S.C. §102(e) and 35 U.S.C. §103(a) are presented for review in this Appeal with respect to Claims 1-20, as argued with respect to independent Claims 1, 8, 17, 18, and 19.

Regarding the grouping of the Claims with respect to the rejection under 35 U.S.C. §101, Claim 17 stands or falls by itself.

Regarding the grouping of the Claims with respect to the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a), Claims 2-7 stand or fall with Claim 1, and Claims 9-16 stand or fall with Claim 8, Claim 17 stands or falls by itself, Claim 18 stands or falls by itself, and Claim 20 stands or falls with Claim 19, due to their respective dependencies.

7. Argument

A. Introduction

In general, the present invention is directed to a method, apparatus and system for supporting multiple collaborative sessions in a bi-directional communication device (Applicant’s Specification, Title). As disclosed in the Applicant’s specification at page 1, lines 20-26:

Multiple Service Operators (MSO) often need to get operating information on networked devices, such as deployed cable modems and customer premises equipment, for testing, diagnosis, and troubleshooting. To facilitate diagnostic analysis and information transfer, many Media Terminal Adaptor (MTA) vendors have implemented Telnet servers on their products (e.g., Voice over IP enabled cable modems and other network devices). The MTA Telnet servers can provide run time and long-term operating information to requestors. A limitation of the Telnet servers, though, is that they currently only support one Telnet session at a time, which limits the diagnostic collaboration between multiple vendor parties.

Advantageously, the present principles provides a method for supporting multiple diagnostic sessions in a bi-directional communication device (Claim 1), an apparatus for supporting multiple diagnostic sessions in a bi-directional communication device (Claim 8), an apparatus for supporting multiple Telnet sessions (Claim 17), a computer-readable medium for storing a set of instructions (Claim 18), and a network (Claim 19).

The claims of the pending invention include novel features not shown in the cited references and that have already been pointed out to the Examiner. These features provide advantages over the prior art and dispense with prior art problems such as those described above with reference to the Applicant's specification.

It is respectfully asserted that independent Claims 1, 8, 17, 18, and 19 are each patentably distinct and non-obvious over the cited references in their own right. For example, the below-identified limitations of independent Claims 1, 8, 17, 18, and 19 are not shown in any of the cited

references, either taken singly or in any combination. Moreover, these Claims are distinct from each other in that they are directed to different implementations and/or include different limitations. For example, Claim 1 is directed to a method, while Claim 8 is directed to an apparatus for supporting multiple diagnostic sessions in a bi-directional communication device, Claim 17 is directed to an apparatus for supporting multiple Telnet sessions, Claim 18 is directed to a computer-readable medium, and Claim 19 is directed to a network. Accordingly, each of independent Claims 1, 8, 17, 18, and 19 represent separate features/implementations of the invention that are separately novel and non-obvious with respect to the prior art and to the other claims. As such, independent Claims 1, 8, 17, 18, and 19 are separately patentable and are each presented for review in this appeal.

B. Whether Claim 17 Satisfies 35 U.S.C. §101

“Section 101 of title 35, United States Code, provides: Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title” (MPEP 2106).

Thus, “35 U.S.C. 101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent: processes, machines, manufactures and compositions of matter” (MPEP 2106).

The Examiner rejected Claim 17, asserting that such claim is directed to non-statutory subject matter.

It will be shown herein below that the subject matter of Claim 17 satisfies the requirements of 35 U.S.C. 101, and that Claim 17 should be allowed.

B1. Claim 17

Claim 17 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claim 17 is expressly recited (Claim 17, Preamble) as being directed to an apparatus (for supporting multiple Telnet sessions). In an embodiment of the apparatus, the means for receiving, means for verifying, means for establishing, and means for communicating may be respectively represented by modem 120 (which clearly includes hardware). In a same or different embodiment, the means for receiving, means for verifying, means for establishing, and means for communicating may be respectively represented by the following elements shown in FIG. 2 (and included in element 120): elements 210, 222, and 240 (processor, web server, I/O circuit); elements 210 and 224 (processor and diagnostic engine); elements 210 and 224 (processor and diagnostic engine); and elements 210, 222, and 240 (processor, web server, I/O circuit). Clearly, these elements include and/or may be implemented by hardware, as supported in the Applicants Specification. For example, as explicitly disclosed at page 5, lines 12-14 of the Applicants' Specification, "it is contemplated that some of the process steps discussed herein as software processes may be implemented within **hardware**, for example, as circuitry that cooperates with the processor 210 to perform various steps." Further, as explicitly disclosed at page 5 lines 22-24 of the Applicants' Specification, "the process steps described herein are intended to be broadly interpreted as being

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equivalently performed by software, **hardware**, or a combination thereof" (see also, Applicants' Specification, p. 24-28).

35 U.S.C. 101 states "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." Moreover, as per MPEP 2106, it is to be noted that "a claimed invention may be a combination of devices that appear to be directed to a machine and one or more steps of the functions performed by the machine. Such instances of mixed attributes, although potentially confusing as to which category of patentable subject matter the claim belongs, does not affect the analysis to be performed by USPTO personnel. Note that an **apparatus** claim with process steps is not classified as a "hybrid" claim; instead, it is simply an apparatus claim including functional limitations. See, e.g., *R.A.C.C. Indus. v. Stun-Tech, Inc.*, 178 F.3d 1309 (Fed. Cir. 1998) (unpublished)."

Accordingly, based upon at least the above argument, as supported by the language of Claim 17, the Applicants' Specification, and relevant law, it is respectfully asserted that Claim 17 satisfies the requirements of 35 U.S.C. 101 and relates to statutory subject matter for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claim 17 is earnestly requested.

C. Whether Claims 1, 3, 8, 14, and 15 are Anticipated Under 35 U.S.C. §102(e) With Respect To U.S. Patent No. 6,999,9990 to Sullivan et al.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing

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Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Examiner rejected Claims 1, 3, 8, 14, and 15 as being unpatentable over U.S. Patent No. 6,999,990 to Sullivan et al. (hereinafter “Sullivan”). The Examiner contends that Sullivan shows all the limitations recited in these claims.

With respect to Claims 1, 3, 8, 14, and 15, Claims 1 and 8 are the independent claims.

Sullivan is directed to “technical support chain automation with guided self-help capability, escalation to live help, and active journaling” (Sullivan, Title). In further detail, Sullivan discloses the following in his Abstract:

A method for automated technical support in a computer network having a client machine, and at least one server from which live help is available. The method begins initiates a guided self-help session in response to entry by a user of a problem area and description. During the self-help session, the user is provided with an option to escalate to live help. If the user exercises that option, the system automatically provides a support engineer at the server with a data stream summarizing the self-help session. During the live help, the support engineer may then repeat a portion of the user's self-help session, view information generated during that session, and/or execute certain actions with respect to the user's machine, all from the engineer's desktop. An active journal is maintained for each problem incident, and active journals may be used by other analysts to facilitate problem resolutions for new incidents.

It will be shown herein below that the limitations of Claims 1, 3, 8, 14, and 15 reproduced herein are not shown in Sullivan, and that Claims 1, 3, 8, 14, and 15 should be allowed including the claims dependent there from as identified in Section 6 herein.

C1. Claims 1, 3, 8, 14, and 15

Initially, it is respectfully pointed out to the Examiner that Claim 3 depends from Claim 1 and, thus, includes all the limitations of Claim 1, and Claims 14-15 depend from Claim 8 and, thus, include all the limitations of Claim 1 and 8.

It is respectfully asserted that Sullivan does not teach or suggest the step of/means for “communicating diagnostic information corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels”, as recited in each of Claims 1, 3 (by virtue of its respective dependency from Claim 1), 8, and 14-15 (by virtue of their respective dependency from Claim 8).

The following portions of Sullivan were cited against the above recited limitations of Claims 1 and 8 (and hence, against Claims 3 and 14-15, respectively): “(Channel 14 in fig. 1) [see fig. 4 steps 996, 98, 100 of Sullivan, and col. 8, lines 60-65, and col. 10, lines 1-9](the user selects the link, upon active the link, navigate the browser to a so-called ‘active page’, a page is activated, the activated page provides the user an option to further diagnose the problem).”

In contrast to the preceding limitations of Claims 1, 3, 8, 14, and 15, Sullivan discloses that each user respectively receives user specific information. That is, for a particular user suffering a

problem related to, for example, MICROSOFT WORD, only that particular user is provided with information directly related to the particular user's problem. For example, as disclosed at column 8, lines 39-45 of Sullivan "an HTTP request is then made to the automated technical support server. Based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed, the routine then continues at step 86 to serve a self-help home page to the user's default browser." Moreover, while the Examiner has mentioned "active content" as disclosed by Sullivan in the Examiner's rejection, as disclosed at column 9, lines 6-9 of Sullivan "[t]he active content functionality of the invention enables the user to determine if a particular technical problem described by an external page applies to the user's actual system". Further, with respect to the "representative results template page shown in figure 8 of Sullivan, Sullivan discloses at column 9, lines 62-66 thereof that "[i]n this example, the [representative results template] page identifies a Support Note that **describes the user's problem** (namely the inability to start Microsoft Word) and the associated error message that prompted the user to initiate the session in the first place".

As is evident, any information provided to a particular user is limited to being provided only to that user, and not all verified requesters as recited in Claims 1, 3, 8, 14, and 15. For example, with respect to the above reproduced disclosure from column 9, lines 6-9 of Sullivan, there would be NO NEED TO DETERMINE IF AN EXTERNAL PAGE APPLIES TO THE USER'S ACTUAL SYSTEM if the external page was intended to be sent to all users.

Hence, Sullivan clearly does not teach or suggest the above recited limitations of Claims 1, 3, 8, 14, and 15 and, by at least the above mentioned determination (of, e.g., whether an external page even applies to a user's problem), actually teaches away from the limitations of these claims.

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Accordingly, Claims 1, 3, 8, 14, and 15 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claims 1 (and, thus, also Claims 2-7, by virtue of their dependency from Claim 1), 3, 8 (and, thus, also Claims 9-16, by virtue of their dependency from Claim 8), 14 and 15 is earnestly requested.

D. Whether Claims 2 and 9 are Unpatentable Under 35 U.S.C. §103(a) With Respect To U.S. Patent No. 6,999,990 to Sullivan et al. in view of U.S. Patent No. 6,542,9934 to Bader et al.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The Examiner rejected Claims 2 and 9 as being unpatentable over U.S. Patent No. 6,999,990 to Sullivan et al. (hereinafter “Sullivan”) in view of U.S. Patent No. 6,542,934 to Bader et al. (hereinafter “Bader”). The Examiner contends that the cited combination shows all the limitations recited in Claims 2 and 9.

Sullivan is directed to “technical support chain automation with guided self-help capability, escalation to live help, and active journaling” (Sullivan, Title). In further detail, Sullivan discloses the following in his Abstract:

A method for automated technical support in a computer network having a client machine, and at least one server from which live help is available. The method begins initiates a guided self-help session in response to entry by a user of a problem area and description. During the self-help session, the user is provided with an option to escalate to live help. If the user exercises that option, the system automatically provides a support engineer at the server with a data stream summarizing the self-help session. During the live help, the support engineer may then repeat a portion of the user's self-help session, view information generated during that session, and/or execute certain actions with respect to the user's machine, all from the engineer's desktop. An active journal is maintained for each problem incident, and active journals may be used by other analysts to facilitate problem resolutions for new incidents.

Bader is directed to a “non-disruptively rerouting network communications from a secondary network path to a primary path” (Bader, Title). In further detail, Bader discloses the following in his Abstract:

Methods, systems and computer program products for the reassignment of communications sessions to a primary network communications path from a secondary network communications path are provided, which detect the availability of the primary network communications path and reroute existing transferable communications sessions to the primary network communications

path from the secondary network communications path. Non-transferable communications sessions are maintained over the secondary network communications path until such non-transferable communications sessions are terminated. Upon termination of all such non-transferable communications sessions, the secondary network communications path may be deactivated. Additionally, new communications sessions may be assigned to the primary network communications path if the availability of the primary network communications path has been detected. Moreover, the reassignment of communications sessions to a primary network communications path from a secondary network communications path may be performed automatically by the network control software, without disruption of the communications sessions.

It will be shown herein below that the limitations of Claims 2 and 9 reproduced herein (as argued with respect to independent Claims 1 and 8) are not shown in the cited combination, and that Claims 2 and 9 should be allowed including the claims dependent there from as identified in Section 6 herein.

D1. Claims 2 and 9

Initially, it is respectfully pointed out to the Examiner that Claims 2 and 9 respectively depend from Claims 1 and 8 and, thus, include all the limitations of Claims 1 and 8 respectively.

It is respectfully asserted that neither Sullivan or Bader, either taken singly or in combination, teach or suggest the step of/means for “communicating diagnostic information

corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels”, as recited in each of Claims 2 and 9 (by virtue of their respective dependencies from Claims 1 and 8).

The following portions of Sullivan were cited against the above recited limitations of Claims 1 and 8 (and hence, against Claims 2 and 9, respectively): “(Channel 14 in fig. 1) [see fig. 4 steps 996, 98, 100 of Sullivan, and col. 8, lines 60-65, and col. 10, lines 1-9](the user selects the link, upon active the link, navigate the browser to a so-called ‘active page’, a page is activated, the activated page provides the user an option to further diagnose the problem).”

In contrast to the preceding limitations of Claims 2 and 9, Sullivan discloses that each user respectively receives user specific information. That is, for a particular user suffering a problem related to, for example, MICROSOFT WORD, only that particular user is provided with information directly related to the particular user’s problem. For example, as disclosed at column 8, lines 39-45 of Sullivan “an HTTP request is then made to the automated technical support server. Based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed, the routine then continues at step 86 to serve a self-help home page to the user’s default browser.” Moreover, while the Examiner has mentioned “active content” as disclosed by Sullivan in the Examiner’s rejection, as disclosed at column 9, lines 6-9 of Sullivan “[t]he active content functionality of the invention enables the user to determine if a particular technical problem described by an external page applies to the user’s actual system”. Further, with respect to the “representative results template page shown in figure 8 of Sullivan, Sullivan discloses at column 9, lines 62-66 thereof that “[i]n this example, the

[representative results template] page identifies a Support Note that **describes the user's problem** (namely the inability to start Microsoft Word) and the associated error message that prompted the user to initiate the session in the first place".

As is evident, any information provided to a particular user is limited to being provided only to that user, and not all verified requesters as recited in Claims 2 and 9. For example, with respect to the above reproduced disclosure from column 9, lines 6-9 of Sullivan, there would be NO NEED TO DETERMINE IF AN EXTERNAL PAGE APPLIES TO THE USER'S ACTUAL SYSTEM if the external page was intended to be sent to all users.

Hence, Sullivan clearly does not teach or suggest the above recited limitations of Claims 2 and 9 and, by at least the above mentioned determination (of, e.g., whether an external page even applies to a user's problem), actually teaches away from the limitations of these claims.

Bader does not cure the deficiencies of Sullivan, and is silent with respect to the above recited limitations of Claims 2 and 9.

Accordingly, Claims 2 and 9 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claims 2 and Claim 9 is earnestly requested.

E. Whether Claims 4, 5, 10, and 11 are Unpatentable Under 35 U.S.C. §103(a) With Respect To U.S. Patent No. 6,999,990 to Sullivan et al. in view of U.S. Patent Publication No. 2002/0049825 to Jewett et al.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981,

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180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The Examiner rejected Claims 4, 5, 10, and 11 as being unpatentable over U.S. Patent No. 6,999,990 to Sullivan et al. (hereinafter “Sullivan”) in view of U.S. Patent Publication No. 2002/0049825 to Jewett et al. (hereinafter “Jewett”). The Examiner contends that the cited combination shows all the limitations recited in Claims 4, 5, 10, and 11.

Sullivan is directed to “technical support chain automation with guided self-help capability, escalation to live help, and active journaling” (Sullivan, Title). In further detail, Sullivan discloses the following in his Abstract:

A method for automated technical support in a computer network having a client machine, and at least one server from which live help is available. The method begins initiates a guided self-help session in response to entry by a user of a problem area and description. During the self-help session, the user is provided with an option to escalate to live help. If the user exercises that option, the system automatically provides a support engineer at the server with a data stream summarizing the self-help session. During the live help, the support engineer may then repeat a portion of the user's self-help session, view information generated during that session, and/or execute certain actions with respect to the user's machine, all from the engineer's desktop. An active journal is maintained for each

problem incident, and active journals may be used by other analysts to facilitate problem resolutions for new incidents.

Jewett is directed to an “architecture for providing block-level storage access over a computer network” (Jewett, Title). In further detail, Jewett discloses the following in his Abstract:

A network-based storage system comprises one or more block-level storage servers that connect to, and provide disk storage for, one or more host computers (“hosts”) over logical network connections (preferably TCP/IP sockets). In one embodiment, each host can maintain one or more socket connects to each storage server, over which multiple I/O operations may be performed concurrently in a non-blocking manner. The physical storage of a storage server may optionally be divided into multiple partitions, each of which may be independently assigned to a particular host or to a group of hosts. Host driver software presents these partitions to user-level processes as one or more local disk drives. When a host initially connects to a storage server in one embodiment, the storage server initially authenticates the host, and then notifies the host of the ports that may be used to establish data connections and of the partitions assigned to that host.

It will be shown herein below that the limitations of Claims 4, 5, 10, and 11 reproduced herein (as argued with respect to independent Claims 1 and 8) are not shown in the cited

combination, and that Claims 4, 5, 10, and 11 should be allowed including the claims dependent there from as identified in Section 6 herein.

E1. Claims 4, 5, 10, and 11

Initially, it is respectfully pointed out to the Examiner that Claims 4-5 and 10-11 respectively depend from Claims 1 and 8 and, thus, include all the limitations of Claims 1 and 8 respectively.

It is respectfully asserted that neither Sullivan or Jewett, either taken singly or in combination, teach or suggest the step of/means for “communicating diagnostic information corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels”, as recited in each of Claims 4-5 and 10-11 (by virtue of their respective dependencies from Claims 1 and 8).

The following portions of Sullivan were cited against the above recited limitations of Claims 1 and 8 (and hence, against Claims 4-5 and 10-11, respectively): “(Channel 14 in fig. 1) [see fig. 4 steps 996, 98, 100 of Sullivan, and col. 8, lines 60-65, and col. 10, lines 1-9](the user selects the link, upon active the link, navigate the browser to a so-called ‘active page’, a page is activated, the activated page provides the user an option to further diagnose the problem).”

In contrast to the preceding limitations of Claims 4-5 and 10-11, Sullivan discloses that each user respectively receives user specific information. That is, for a particular user suffering a problem related to, for example, MICROSOFT WORD, only that particular user is provided with information directly related to the particular user’s problem. For example, as disclosed at column 8,

lines 39-45 of Sullivan “an HTTP request is then made to the automated technical support server.

Based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed, the routine then continues at step 86 to serve a self-help home page to the user’s default browser.” Moreover, while the Examiner has mentioned “active content” as disclosed by Sullivan in the Examiner’s rejection, as disclosed at column 9, lines 6-9 of Sullivan “[t]he active content functionality of the invention enables the user to determine if a particular technical problem described by an external page applies to the user’s actual system”. Further, with respect to the “representative results template page shown in figure 8 of Sullivan, Sullivan discloses at column 9, lines 62-66 thereof that “[i]n this example, the [representative results template] page identifies a Support Note that **describes the user’s problem** (namely the inability to start Microsoft Word) and the associated error message that prompted the user to initiate the session in the first place”.

As is evident, any information provided to a particular user is limited to being provided only to that user, and not all verified requesters as recited in Claims 4-5 and 10-11. For example, with respect to the above reproduced disclosure from column 9, lines 6-9 of Sullivan, there would be NO NEED TO DETERMINE IF AN EXTERNAL PAGE APPLIES TO THE USER’S ACTUAL SYSTEM if the external page was intended to be sent to all users.

Hence, Sullivan clearly does not teach or suggest the above recited limitations of Claims 4-5 and 10-11 and, by at least the above mentioned determination (of, e.g., whether an external page even applies to a user’s problem), actually teaches away from the limitations of these claims.

Jewett does not cure the deficiencies of Sullivan, and is silent with respect to the above recited limitations of Claims 4-5 and 10-11.

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Accordingly, Claims 4, 5, 10, and 11 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claims 4, 5, 10, and 11 (and, thus, also Claim 12) is earnestly requested.

F. Whether Claim 12 is Unpatentable Under 35 U.S.C. §103(a) With Respect To U.S. Patent No. 6,999,990 to Sullivan et al. in view of U.S. Patent Publication No. 2002/0049825 to Jewett et al. further in view of U.S. Patent Publication No. 2002/0112076 to Rueda et al.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The Examiner rejected Claim 12 as being unpatentable over U.S. Patent No. 6,999,990 to Sullivan et al. (hereinafter “Sullivan”) in view of U.S. Patent Publication No. 2002/0049825 to Jewett et al. (hereinafter “Jewett”) further in view of U.S. Patent Publication No. 2002/0112076 to Rueda et al. (hereinafter “Rueda”). The Examiner contends that the cited combination shows all the limitations recited in Claim 12.

Sullivan is directed to “technical support chain automation with guided self-help capability, escalation to live help, and active journaling” (Sullivan, Title). In further detail, Sullivan discloses the following in his Abstract:

A method for automated technical support in a computer network having a client machine, and at least one server from which live help is available. The method begins initiates a guided self-help session in response to entry by a user of a problem area and description. During the self-help session, the user is provided with an option to escalate to live help. If the user exercises that option, the system automatically provides a support engineer at the server with a data stream summarizing the self-help session. During the live help, the support engineer may then repeat a portion of the user's self-help session, view information generated during that session, and/or execute certain actions with respect to the user's machine, all from the engineer's desktop. An active journal is maintained for each problem incident, and active journals may be used by other analysts to facilitate problem resolutions for new incidents.

Jewett is directed to an “architecture for providing block-level storage access over a computer network” (Jewett, Title). In further detail, Jewett discloses the following in his Abstract:

A network-based storage system comprises one or more block-level storage servers that connect to, and provide disk storage for, one or more host computers (“hosts”) over logical network connections (preferably TCP/IP sockets). In one embodiment, each host can maintain one or more socket connects to each storage server, over which multiple I/O operations may be performed concurrently in a non-blocking manner. The physical storage of a storage server

may optionally be divided into multiple partitions, each of which may be independently assigned to a particular host or to a group of hosts. Host driver software presents these partitions to user-level processes as one or more local disk drives. When a host initially connects to a storage server in one embodiment, the storage server initially authenticates the host, and then notifies the host of the ports that may be used to establish data connections and of the partitions assigned to that host.

Rueda is directed to an “Internet protocol-based computer network service” (Rueda, Title).

In further detail, Rueda discloses the following in his Abstract:

The system is an Internet Protocol-based computer network service that when installed, allows connected computers access Internet Protocol-based services if they are configured for any Internet Protocol-based network. This is different from a conventional Internet Protocol-based network in which connected computers must be configured specifically for that network to access Internet Protocol-based services or to have custom applications running on them to allow this access. These services include, but are not limited to, World-Wide-Web browsing, sending and/or receiving electronic mail, file transfer, and multimedia conferencing. The system supports any service that is Internet Protocol-based. The system is completely software-based. That is, it is a set of algorithms that are run on a computing

platform. The platform that is executing the algorithms (the server) is a stand-alone system. No proprietary software is installed on the client.

It will be shown herein below that the limitations of Claim 12 reproduced herein (as argued with respect to independent Claim 8) are not shown in the cited combination, and that Claim 12 should be allowed including the claims dependent there from as identified in Section 6 herein.

F1. Claim 12

Initially, it is respectfully pointed out to the Examiner that Claim 12 depends from Claim 8 and, thus, includes all the limitations of Claim 8.

It is respectfully asserted that neither Sullivan or Jewett or Rueda, either taken singly or in combination, teach or suggest the step of/means for “communicating diagnostic information corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels”, as recited in Claim 12 (by virtue of its dependency from Claim 8).

The following portions of Sullivan were cited against the above recited limitations of Claim 8 (and hence, against Claim 12): “(Channel 14 in fig. 1) [see fig. 4 steps 996, 98, 100 of Sullivan, and col. 8, lines 60-65, and col. 10, lines 1-9](the user selects the link, upon active the link, navigate the browser to a so-called ‘active page’, a page is activated, the activated page provides the user an option to further diagnose the problem).”

In contrast to the preceding limitations of Claim 12, Sullivan discloses that each user respectively receives user specific information. That is, for a particular user suffering a problem

related to, for example, MICROSOFT WORD, only that particular user is provided with information directly related to the particular user's problem. For example, as disclosed at column 8, lines 39-45 of Sullivan "an HTTP request is then made to the automated technical support server. Based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed, the routine then continues at step 86 to serve a self-help home page to the user's default browser." Moreover, while the Examiner has mentioned "active content" as disclosed by Sullivan in the Examiner's rejection, as disclosed at column 9, lines 6-9 of Sullivan "[t]he active content functionality of the invention enables the user to determine if a particular technical problem described by an external page applies to the user's actual system". Further, with respect to the "representative results template page shown in figure 8 of Sullivan, Sullivan discloses at column 9, lines 62-66 thereof that "[i]n this example, the [representative results template] page identifies a Support Note that **describes the user's problem** (namely the inability to start Microsoft Word) and the associated error message that prompted the user to initiate the session in the first place".

As is evident, any information provided to a particular user is limited to being provided only to that user, and not all verified requesters as recited in Claim 12. For example, with respect to the above reproduced disclosure from column 9, lines 6-9 of Sullivan, there would be NO NEED TO DETERMINE IF AN EXTERNAL PAGE APPLIES TO THE USER'S ACTUAL SYSTEM if the external page was intended to be sent to all users.

Hence, Sullivan clearly does not teach or suggest the above recited limitations of Claim 12 and, by at least the above mentioned **determination** (of, e.g., whether an external page even applies to a user's problem), actually teaches away from the limitations of these claims.

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Neither Jewett or Rueda cure the deficiencies of Sullivan, and are silent with respect to the above recited limitations of Claim 12.

Accordingly, Claim 12 is patentably distinct and non-obvious over the cited references for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claim 12 is earnestly requested.

G. Whether Claims 6, 13, and 16-19 are Unpatentable Under 35 U.S.C. §103(a) With Respect To U.S. Patent No. 6,999,990 to Sullivan et al. in view of U.S. Patent Publication No. 2002/0112076 to Rueda et al.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The Examiner rejected Claims 6, 13, and 16-19 as being unpatentable over U.S. Patent No. 6,999,990 to Sullivan et al. (hereinafter “Sullivan”) in view of U.S. Patent Publication No. 2002/0112076 to Rueda et al. (hereinafter “Rueda”). The Examiner contends that the cited combination shows all the limitations recited in Claims 6, 13, and 16-19.

Sullivan is directed to “technical support chain automation with guided self-help capability, escalation to live help, and active journaling” (Sullivan, Title). In further detail, Sullivan discloses the following in his Abstract:

A method for automated technical support in a computer network having a client machine, and at least one server from which live help is available. The method begins initiates a guided self-help session in response to entry by a user of a problem area and description. During the self-help session, the user is provided with an option to escalate to live help. If the user exercises that option, the system automatically provides a support engineer at the server with a data stream summarizing the self-help session. During the live help, the support engineer may then repeat a portion of the user's self-help session, view information generated during that session, and/or execute certain actions with respect to the user's machine, all from the engineer's desktop. An active journal is maintained for each problem incident, and active journals may be used by other analysts to facilitate problem resolutions for new incidents.

Rueda is directed to an “Internet protocol-based computer network service” (Rueda, Title).

In further detail, Rueda discloses the following in his Abstract:

The system is an Internet Protocol-based computer network service that when installed, allows connected computers access Internet Protocol-based services if they are configured for any Internet Protocol-based network. This is different from a conventional Internet Protocol-based network in which connected computers must be configured specifically for that network to access Internet Protocol-based services or to have custom applications running on them to allow this access. These services

include, but are not limited to, World-Wide-Web browsing, sending and/or receiving electronic mail, file transfer, and multimedia conferencing. The system supports any service that is Internet Protocol-based. The system is completely software-based. That is, it is a set of algorithms that are run on a computing platform. The platform that is executing the algorithms (the server) is a stand-alone system. No proprietary software is installed on the client.

It will be shown herein below that the limitations of Claims 6, 13, and 16-19 reproduced herein (as argued with respect to independent Claims 1, 8, 17, 18, and 19) are not shown in the cited combination, and that Claims 6, 13, and 16-19 should be allowed including the claims dependent there from as identified in Section 6 herein.

G1. Claims 6, 13, and 16-19

Initially, it is respectfully pointed out to the Examiner that Claim 6 depends from Claim 1 and, thus, includes all the limitations of Claim 1, and Claims 13 and 16 depend from Claim 8 and, thus, include all the limitations of Claim 8.

It is respectfully asserted that neither Sullivan or Rueda, either taken singly or in combination, teach or suggest the step of/means for “communicating diagnostic information corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels”, as recited in each of Claims 6 (by virtue of its respective dependency from Claim 1), 13 and 16 (by virtue of their respective dependency from Claim 8), and 17-19.

The following portions of Sullivan were cited against the above recited limitations of Claims 1 (and hence, against Claim 6), 8 (and hence, against Claims 13 and 16), 17, 18, and 19: “(Channel 14 in fig. 1) [see fig. 4 steps 996, 98, 100 of Sullivan, and col. 8, lines 60-65, and col. 10, lines 1-9](the user selects the link, upon active the link, navigate the browser to a so-called ‘active page’, a page is activated, the activated page provides the user an option to further diagnose the problem).”

In contrast to the preceding limitations of Claims 6, 13, and 16-19, Sullivan discloses that each user respectively receives user specific information. That is, for a particular user suffering a problem related to, for example, MICROSOFT WORD, only that particular user is provided with information directly related to the particular user’s problem. For example, as disclosed at column 8, lines 39-45 of Sullivan “an HTTP request is then made to the automated technical support server. Based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed, the routine then continues at step 86 to serve a self-help home page to the user’s default browser.” Moreover, while the Examiner has mentioned “active content” as disclosed by Sullivan in the Examiner’s rejection, as disclosed at column 9, lines 6-9 of Sullivan “[t]he active content functionality of the invention enables the user to determine if a particular technical problem described by an external page applies to the user’s actual system”. Further, with respect to the “representative results template page shown in figure 8 of Sullivan, Sullivan discloses at column 9, lines 62-66 thereof that “[i]n this example, the [representative results template] page identifies a Support Note that **describes the user’s problem** (namely the inability to start Microsoft Word) and the associated error message that prompted the user to initiate the session in the first place”.

As is evident, any information provided to a particular user is limited to being provided only to that user, and not all verified requesters as recited in Claims 6, 13, and 16-19. For example, with respect to the above reproduced disclosure from column 9, lines 6-9 of Sullivan, there would be NO NEED TO DETERMINE IF AN EXTERNAL PAGE APPLIES TO THE USER'S ACTUAL SYSTEM if the external page was intended to be sent to all users.

Hence, Sullivan clearly does not teach or suggest the above recited limitations of Claims 6, 13, and 16-19 and, by at least the above mentioned determination (of, e.g., whether an external page even applies to a user's problem), actually teaches away from the limitations of these Claims.

Rueda does not cure the deficiencies of Sullivan, and is silent with respect to the above recited limitations of Claims 6, 13, and 16-19.

Accordingly, Claims 6, 13, and 16-19 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claims 6 (and, thus, also Claim 7), 13, 16, 17, 18, and 19 (and, thus, also Claim 20) is earnestly requested.

H. Whether Claims 7 and 20 are Unpatentable Under 35 U.S.C. §103(a) With Respect To U.S. Patent No. 6,999,990 to Sullivan et al. in view of U.S. Patent Publication No. 2002/0112076 to Rueda et al. further in view of U.S. Patent Publication No. 2002/0049825 to Jewett et al.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103,

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then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The Examiner rejected Claims 7 and 20 as being unpatentable over U.S. Patent No. 6,999,990 to Sullivan et al. (hereinafter "Sullivan") in view of U.S. Patent Publication No. 2002/0112076 to Rueda et al. (hereinafter "Rueda") further in view of U.S. Patent Publication No. 2002/0049825 to Jewett et al. (hereinafter "Jewett"). The Examiner contends that the cited combination shows all the limitations recited in Claims 7 and 20.

Sullivan is directed to "technical support chain automation with guided self-help capability, escalation to live help, and active journaling" (Sullivan, Title). In further detail, Sullivan discloses the following in his Abstract:

A method for automated technical support in a computer network having a client machine, and at least one server from which live help is available. The method begins initiates a guided self-help session in response to entry by a user of a problem area and description. During the self-help session, the user is provided with an option to escalate to live help. If the user exercises that option, the system automatically provides a support engineer at the server with a data stream summarizing the self-help session. During the live help, the support engineer may then repeat a portion of the user's self-help session, view information generated during that session, and/or execute certain actions with respect to the user's machine, all from the engineer's desktop. An active journal is maintained for each

problem incident, and active journals may be used by other analysts to facilitate problem resolutions for new incidents.

Rueda is directed to an “Internet protocol-based computer network service” (Rueda, Title).

In further detail, Rueda discloses the following in his Abstract:

The system is an Internet Protocol-based computer network service that when installed, allows connected computers access Internet Protocol-based services if they are configured for any Internet Protocol-based network. This is different from a conventional Internet Protocol-based network in which connected computers must be configured specifically for that network to access Internet Protocol-based services or to have custom applications running on them to allow this access. These services include, but are not limited to, World-Wide-Web browsing, sending and/or receiving electronic mail, file transfer, and multimedia conferencing. The system supports any service that is Internet Protocol-based. The system is completely software-based. That is, it is a set of algorithms that are run on a computing platform. The platform that is executing the algorithms (the server) is a stand-alone system. No proprietary software is installed on the client.

Jewett is directed to an “architecture for providing block-level storage access over a computer network” (Jewett, Title). In further detail, Jewett discloses the following in his Abstract:

A network-based storage system comprises one or more block-level storage servers that connect to, and provide disk storage for, one or more host computers (“hosts”) over logical network connections (preferably TCP/IP sockets). In one embodiment, each host can maintain one or more socket connects to each storage server, over which multiple I/O operations may be performed concurrently in a non-blocking manner. The physical storage of a storage server may optionally be divided into multiple partitions, each of which may be independently assigned to a particular host or to a group of hosts. Host driver software presents these partitions to user-level processes as one or more local disk drives. When a host initially connects to a storage server in one embodiment, the storage server initially authenticates the host, and then notifies the host of the ports that may be used to establish data connections and of the partitions assigned to that host.

It will be shown herein below that the limitations of Claims 7 and 20 reproduced herein (as argued with respect to independent Claims 1 and 19) are not shown in the cited combination, and that Claims 7 and 20 should be allowed including the claims dependent there from as identified in Section 6 herein.

H1. Claims 7 and 20

Initially, it is respectfully pointed out to the Examiner that Claims 7 and 20 respectively depend from Claims 1 and 19 and, thus, include all the limitations of Claims 1 and 19 respectively.

It is respectfully asserted that neither Sullivan or Rueda or Jewett, either taken singly or in combination, teach or suggest the step of/means for “communicating diagnostic information corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels”, as recited in each of Claims 7 and 20 (by virtue of their respective dependencies from Claims 1 and 19).

The following portions of Sullivan were cited against the above recited limitations of Claims 1 and 19 (and hence, against Claims 7 and 20, respectively): “(Channel 14 in fig. 1) [see fig. 4 steps 996, 98, 100 of Sullivan, and col. 8, lines 60-65, and col. 10, lines 1-9](the user selects the link, upon active the link, navigate the browser to a so-called ‘active page’, a page is activated, the activated page provides the user an option to further diagnose the problem).”

In contrast to the preceding limitations of Claims 7 and 20, Sullivan discloses that each user respectively receives user specific information. That is, for a particular user suffering a problem related to, for example, MICROSOFT WORD, only that particular user is provided with information directly related to the particular user’s problem. For example, as disclosed at column 8, lines 39-45 of Sullivan “an HTTP request is then made to the automated technical support server. Based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed, the routine then continues at step 86 to serve a self-help home page to the user’s default browser.” Moreover, while the Examiner has

mentioned “active content” as disclosed by Sullivan in the Examiner’s rejection, as disclosed at column 9, lines 6-9 of Sullivan “[t]he active content functionality of the invention enables the user to determine if a particular technical problem described by an external page applies to the user’s actual system”. Further, with respect to the “representative results template page shown in figure 8 of Sullivan, Sullivan discloses at column 9, lines 62-66 thereof that “[i]n this example, the [representative results template] page identifies a Support Note that **describes the user’s problem** (namely the inability to start Microsoft Word) and the associated error message that prompted the user to initiate the session in the first place”.

As is evident, any information provided to a particular user is limited to being provided only to that user, and not all verified requesters as recited in Claims 7 and 20. For example, with respect to the above reproduced disclosure from column 9, lines 6-9 of Sullivan, there would be NO NEED TO DETERMINE IF AN EXTERNAL PAGE APPLIES TO THE USER’S ACTUAL SYSTEM if the external page was intended to be sent to all users.

Hence, Sullivan clearly does not teach or suggest the above recited limitations of Claims 7 and 20 and, by at least the above mentioned **determination** (of, e.g., whether an external page even applies to a user’s problem), actually teaches away from the limitations of these claims.

Neither Rueda or Jewett cure the deficiencies of Sullivan, and are silent with respect to the above recited limitations of Claims 7 and 20.

Accordingly, Claims 7 and 20 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above. Therefore, withdrawal of the rejection and allowance of Claims 7 and 20 is earnestly requested.

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I. Conclusion

Based upon at least the above argument, as supported by the language of Claim 17, the Applicants' Specification, and relevant law, it is respectfully asserted that Claim 17 satisfies the requirements of 35 U.S.C. 101 and relates to statutory subject matter for at least the reasons set forth above. Accordingly, it is respectfully requested that the Board reverse the rejection of Claim 17 under 35 U.S.C. §101.

Furthermore, at least the above-identified limitations of the pending claims are not disclosed or suggested by the teachings of the cited references; alone or in combination with each other. Accordingly, it is respectfully requested that the Board reverse the rejections of Claim 1-20 under 35 U.S.C. §102(e) and §103(a).

Please charge the amount of \$510.00, covering fee associated with the filing of the Appeal Brief, to **Thomson Licensing Inc., Deposit Account No. 07-0832**. In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge **Deposit Account No. 07-0832** as required to correct the error.

Respectfully submitted,

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8. CLAIMS APPENDIX

1. (previously presented) A method for supporting multiple diagnostic sessions in a bi-directional communication device, said method comprising:

receiving diagnostic session requests from a plurality of requesters;

verifying identification information for each of said requesters;

establishing a communications channel for each verified requester; and

communicating diagnostic information corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels.

2. (previously presented) The method of claim 1, further comprising:

if communication of information to a requester fails, making available, to a subsequent requester, the communications channel associated with the failed communication.

3. (original) The method of claim 1, wherein said identification information comprises a user ID and a password.

4. (original) The method of claim 1, wherein said establishing a communications channel comprises assigning an available socket for communication with each verified requester.

5. (original) The method of claim 4, further comprising rejecting subsequent requests

after a total number of available sockets has been assigned.

6. (original) The method of claim 1, wherein said establishing a communications channel further comprises saving session information such as, a requester IP address and a requester receiving port number for each of said verified requesters.

7. (original) The method of claim 6, wherein the requested information is communicated to each of said verified requesters via an available socket comprising the respective saved session information.

8. (previously presented) An apparatus for supporting multiple diagnostic sessions in a bi-directional communication device, said apparatus comprising:

a server;

a memory for storing program instructions; and

a processor for executing said instructions to configure the apparatus to perform the steps of:

receiving diagnostic session requests from a plurality of requesters;

verifying identification information for each of said requesters;

establishing a communications channel for each verified requester; and

communicating diagnostic information corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels.

9. (previously presented) The apparatus of claim 8, further configured to perform the step of:

if communication of information to a requester fails, making available, to a subsequent requester, the communications channel associated with the failed communication.

10. (previously presented) The apparatus of claim 8, further configured to perform the steps of:

rejecting subsequent requests after a total number of available sockets has been assigned.

11. (previously presented) The apparatus of claim 8, wherein said establishing a communications channel comprises assigning an available socket for communication with each verified requester.

12. (previously presented) The apparatus of claim 11, wherein said assigned sockets comprise a requester IP address and a requester receiving port number.

13. (previously presented) The apparatus of claim 8, wherein said plurality of requesters comprise Telnet clients.

14. (previously presented) The apparatus of claim 8, wherein said plurality of requesters are network devices.

15. (previously presented) The apparatus of claim 8, wherein said server comprises:
a web server for enabling communication between a requesting device and a diagnostic
engine; and
said diagnostic engine for performing the routines that are specified in each of said
requests.

16. (previously presented) The apparatus of claim 8, wherein said apparatus comprises a
modem.

17. (previously presented) An apparatus for supporting multiple Telnet sessions,
comprising:
means for receiving Telnet session requests from a plurality of requesters;
means for verifying identification information for each of said requesters;
means for establishing a communications channel for each verified requester; and
means for communicating diagnostic information corresponding to a particular one of the
diagnostic session requests received from a particular one of said verified requesters to all of said
verified requesters via said established communications channels.

18. (previously presented) Computer-readable medium for storing a set of
instructions, wherein when said set of instructions is executed by a processor perform a method
comprising:

receiving Telnet session requests from a plurality of requesters;
verifying identification information for each of said requesters;
establishing a communications channel for each verified requester; and
communicating diagnostic information corresponding to a particular one of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels.

19. (previously presented) A network comprising:

at least one subscriber terminal comprising a Telnet client for initiating Telnet session requests;
at least one data servicing system comprising a Telnet client for initiating Telnet session requests; and

a network device comprising:

a Telnet server;
a memory for storing program instructions; and
a processor for executing said instructions to configure said network device to perform the steps of:

receiving Telnet session requests from said at least one subscriber terminal and said at least one data servicing system;
verifying identification information for each of said requesters;
establishing a communications channel for each verified requester; and
communicating diagnostic information corresponding to a particular one

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of the diagnostic session requests received from a particular one of said verified requesters to all of said verified requesters via said established communications channels.

20. (previously presented) The network of claim 19, wherein said network device is further configured to perform the step of:

if communication of information to a requester fails, making available, to a subsequent requester, the communications channel associated with the failed communication.

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9. RELATED EVIDENCE APPENDIX

None.

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10. RELATED PROCEEDINGS APPENDIX

None